



## Minutes Formal City Council Meeting July 1, 2010

Minutes of the Formal Council Meeting of July 1, 2010, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

### COUNCIL PRESENT:

Mayor Hugh Hallman  
Vice Mayor Joel Navarro  
Councilmember Robin Arredondo-Savage  
Councilmember Shana Ellis  
Councilmember Mark W. Mitchell  
Councilmember Onnie Shekerjian  
Councilmember Corey D. Woods

Mayor Hallman called the meeting to order at 7:39 p.m.

1. Vice Mayor Ellis gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

#### A. Councilmembers' Announcements

Mayor Hallman introduced the following guests: Dick Neuheisel, Linda Spears, Barb Carter, Pam Goronkon, the Honorable Karen Arredondo, the Honorable Rachelle Wells, the Honorable Zita Johnson, the Honorable Mary Lou Taylor, Jim Lemmon, the Honorable Joe Arredondo, Robby Sherwood, Elias Esquer and Dr. George Sanchez.

Councilmember Mitchell thanked Councilmember Arredondo for his years of leadership and for his friendship.

Vice Mayor Ellis read a poem as a tribute to Councilmember Arredondo's tenure with the City of Tempe.

Councilmember Shekerjian acknowledged Councilmember Arredondo's 16 years of service and presented him with a book entitled "Leadership 101".

Councilmember Navarro commended Councilmember Arredondo on his years of service to this community.

Councilmember Woods thanked Councilmember Arredondo for his support over the years.

Mayor Hallman thanked Councilmember Arredondo for his many years of public service, not only on the Tempe City Council, but as a school board member and a coach for youth athletics.

Councilmember Arredondo thanked his friends, family, Council colleagues and City employees for their support of him and for their dedication to Tempe. Councilmember Arredondo also thanked Tempe voters for their on going support at the polls and acknowledged the contributions over the years from City Council Aide, Mari Yennie.

**B. Swearing-In Ceremony – New Councilmembers**

Mayor Hallman asked Vice Mayor Ellis, Councilmember Shekerjian and Robin Arredondo-Savage to step up to the podium for the oath. City Clerk Brigitta Kuiper administered the Oath of Office.

**C. Election of Vice-Mayor**

Motion by Councilmember Mitchell to nominate Councilmember Navarro as Vice Mayor; second by Vice Mayor Ellis. Motion passed 7-0.

**D. Councilmembers' Announcements**

Councilmember Arredondo-Savage voiced her enthusiasm to serve the City of Tempe and thanked:

- Citizens of Tempe for their support
- City staff for their assistance
- Family and friends for their loyalty and support of her endeavors
- Her parents for their ongoing support
- Councilmember Arredondo for his mentoring

Councilmember Shekerjian thanked:

- Her husband, children and family for their strength and support
- Monica Attridge and Julie Winn for assisting with election administration
- Council colleagues for enduring difficult economic times
- Mayor Hallman for his support, honesty and openness in dealing with issues
- Tempe voters for their support

Councilmember Shekerjian presented a gift to Councilmembers Arredondo-Savage and Ellis.

Councilmember Ellis thanked:

- Family and friends for their ongoing support
- Her campaign committee for all of their assistance
- Council colleagues for their hard work
- Tempe voters for their vote of confidence

Councilmember Mitchell congratulated:

- Councilmember Robin Arredondo-Savage for her on going commitment to community service
- Councilmember Shekerjian for being re-elected and her commitment to this community
- Councilmember Ellis and stated that Ms. Ellis truly understands the meaning of giving back to the community and noted her extensive knowledge on transportation issues

Vice Mayor Navarro

- Thanked Councilmember Shekerjian for running for office again and for her professionalism in serving this community.
- Congratulated Councilmember Ellis on her re-election and voiced admiration at her thoughtful and quiet demeanor.
- Congratulated Councilmember Arredondo-Savage on being elected to serve on the Council and her commitment to this community.

Councilmember Woods

- Congratulated Councilmember Arredondo-Savage on her involvement in the community and welcomed her to the Council
- Thanked Councilmember Shekerjian for her friendship and camaraderie
- Voiced his pleasure regarding working with Councilmember Ellis for the past several years

Mayor Hallman

- Councilmember Arredondo-Savage has done extraordinary things in her lifetime and has been a true, kind and decent leader; she has served this community on the school board in an admirable fashion.
- Councilmember Shekerjian is engaging, thoughtful, kind and graceful under pressure. Mayor Hallman thanked Councilmember Shekerjian's family for supporting her desire to serve as a Councilmember.
- Councilmember Ellis has served her community well with her contributions to the Council and the community.
- Noted the importance of adherence to the open meeting law and how that impacts relationships among the Mayor and Councilmembers. Mayor Hallman closed by stating that the newly elected Councilmembers will serve with integrity, intellect, heart and grace.

4. **REPORTS AND ANNOUNCEMENTS**

- A. Mayor's Announcements – None.  
B. Manager's Announcements – None.

5. **AGENDA**

All items in these minutes identified with an asterisk (\*) **are public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

**Motion by Councilmember Arredondo-Savage to approve the Agenda with the exception of items 5B3, 5B5 and 5D1 which were removed for separate consideration; second by Councilmember Mitchell. Motion passed on a roll call vote 7-0.**

A. Miscellaneous Items

- \*1. [Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Mister G's LLC, dba Café Roma, 960 West University Drive, #104-105.](#)

|                      |   |
|----------------------|---|
| <b>COMMENTS</b>      | Larry Kenneth Griffith is the Agent for this application. |
| <b>DOCUMENT NAME</b> | 20100701fsap01 Café Roma 123619 – LIQ LIC (0210-02)       |

2. [Approved a contract with artist Mary Lucking for Crosscut Canal multi-use path bridges structural artwork elements. \(Contract #2010-155\)](#)

|                      |   |
|----------------------|---|
| <b>COMMENTS</b>      | Total cost of the contract is in the amount of \$197,087 funded by the Capital Improvement Project Municipal Arts Fund. No general fund monies are used for this project. |
| <b>DOCUMENT NAME</b> | 20100701cskb02-COMMUNITY SERVICES ADMIN (0701-01)   |

3. [Approved funding for the 2010-2011 Arts Grant Awards to Tempe schools and non-profit organizations.](#)

**COMMENTS** Total amount of recommended grants funding is \$149,778 to be paid from the Capital Improvement Project Municipal Arts Fund. No general fund monies are used for this project.  
**DOCUMENT NAME** 20100701cskb01-COMMUNITY SERVICES ADMIN (0701-01)

- \*4. [Adopted the Notice of Intention setting the time \(7:30 p.m.\) and date \(September 16, 2010\) for the public hearing to modify water rates.](#)

**COMMENTS** Notice of Intention to Modify Utility Fees - WATER RATES  
**DOCUMENT NAME** 20100701wudmk01 MISCELLANEOUS FEES (0210-05)

- \*5. [Adopted the Notice of Intention setting the time \(7:30 p.m.\) and date \(September 16, 2010\) for the public hearing to modify wastewater rates.](#)

**COMMENTS** Notice of Intention to Modify Utility Fees – WASTEWATER RATES  
**DOCUMENT NAME** 20100701wudmk02 MISCELLANEOUS FEES (0210-05)

6. [Approved the 2010-2011 Greater Phoenix Economic Council \(GPEC\) contract for regional economic development marketing services in the amount of \\$57,912. \(Contract #2010-160\)](#)

**COMMENTS** Sufficient funding for the GPEC contract resides in cost center 2810, account 7009.  
**DOCUMENT NAME** 20100701cdsws01 ECONOMIC DEVELOPMENT PROGRAM (0111-03)

B. Award of Bids/Contracts

1. [Approved job order no. 8 with Quest Civil Constructors, Inc. for improvements to the wastewater screens building at the Kyrene Water Reclamation Plant. \(Contract #2008-250\)](#)

**COMMENTS** Total amount of job order no. 8 is \$325,644 and the project contingency amount is \$15,000.  
**DOCUMENT NAME** 20100701PWDR02 ENG ADMIN (0803-02 ) PROJECT NO. 3203561

2. [Approved job order no. 15 with J. Banicki Construction, Inc. for traffic calming improvements on Knox Road. \(Contract #2007-221 O\)](#)

**COMMENTS** Total amount of job order no. 15 is \$91,764.38 and the project contingency amount is \$9,200.  
**DOCUMENT NAME** 20100701PWDR03 STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5403701

3. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Approved a one-year contract with four, one-year renewal options to Aquatic Consulting and Testing, Inc., Bio-Aquatic Testing, Inc., Columbia Analytical Services, Legend Technical Services of Arizona, Inc., MWH Laboratories and Test America Inc. for the purchases of laboratory testing services for potable water quality testing, wastewater testing and soil testing services for the Public Works Water Utilities Division. (Contract #2010-156)

**COMMENTS** (RFP #10-126) Total amount of all contracts shall not exceed \$550,000 during the one-year contract term.  
**DOCUMENT NAME** 201007010fst02 PURCHASING (1004-01)

Councilmember Shekerjian removed this agenda item and asked staff to provide information regarding the project and its source of funding.

Don Hawkes, Deputy Water Utilities Manager, stated that this contract is with several labs that provide wastewater and soil testing services for the Water Utilities Division. Funding comes from the Water Fund, which is comprised of user fees not sales taxes.

Motion by Councilmember Shekerjian to approve agenda item 5B3; second by Councilmember Woods. Motion passed 7-0.

4. Approved a one-year renewal of a contract with Redflex Traffic Systems, Inc. for the continuation of the City's photo enforcement program.

**COMMENTS** (T07-045-01)  
**DOCUMENT NAME** 2010701fsmg01 PURCHASES (1004-01)

5. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**  
Awarded a construction contract (Contract #2010-157) with CPC Construction, Inc., award of a construction management contract (Contract #2010-158) with C. Williams Construction Engineering, Inc. and approval of a project contingency for phase II construction of a multi-use path along the Cross-cut Canal.

**COMMENTS** Total cost for the construction contract is \$1,370,475.60, total cost for the construction management contract is \$85,540 and the amount of the project contingency is \$137,000. Approximately fifty percent (50%) of this project is federally funded by the American Reinvestment & Recovery Act (ARRA) and federal transportation enhancement funds.  
**DOCUMENT NAME** 20100701PWDR01 TRANSPORTATION PLANNING (1101-01)  
PROJECT NO. 6002441

Councilmember Shekerjian removed this agenda item and asked staff to provide information regarding the project and its source of funding.

John Osgood, Deputy Public Works Director – Field Operations, stated that this contract is to continue the cross cut canal pathway. 50% of funding is from federal stimulus funds and the other 50% of funding is from the Transit Capital Improvement Program; however, staff is pursuing grant funding for this portion of this project.

Motion by Councilmember Shekerjian to approve agenda item 5B5; second by Councilmember Woods.  
Motion passed 7-0.

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*1. [Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of a 3' wide utility easement on Lot 136 of Circle G. Ranches 4 Unit 3 Subdivision. The second public hearing is scheduled for August 19, 2010.](#)

**COMMENTS** This request is part of a proposed re-plat of Lot 136.  
**DOCUMENT NAME** 20100701PWWS04 ABANDONMENT (0901) Ordinance 2010.21

- \*2. [Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of all Water Lines and Water Line Easements within Lot 1 of the "Galleria Palms" Subdivision \(located at 1600 West La Jolla Drive\). The second hearing is scheduled for August 19, 2010.](#)

**COMMENTS** This request is part of a re-plat of Lot 1 of the Galleria Palms Subdivision.  
**DOCUMENT NAME** 20100701PWWS05 ABANDONMENT (0901) Ordinance 2010.25

- \*3. [Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of all Water Line Easements lying within Lot Two of Emerald Phase II and III \(located at 8515 East Emerald Drive\). The second public hearing is scheduled for August 19, 2010.](#)

**COMMENTS** This is part of a re-plat currently under review by the City for Emerald Phase II and III.  
**DOCUMENT NAME** 20100701PWWS06 ABANDONMENT (0901) Ordinance 2010.26

- \*4. [Introduced and held the first public hearing to adopt an ordinance authorizing the abandonment of a construction and maintenance easement located at 1305 W. 23rd Street. The second public hearing is scheduled for August 19, 2010.](#)

**COMMENTS** This request completes the abandonment process from a previous water line easement abandonment.  
**DOCUMENT NAME** 20100701PWWS07 ABANDONMENT (0901) Ordinance 2010.23

- \*5. [Introduced and held the first public hearing for a Planned Development Overlay for Quik Trip #1420 located at 1190 West Elliot Road. The second public hearing is scheduled for August 19, 2010.](#)

**COMMENTS** Request for QUIK TRIP # 1420 (PL090493) (Rodney Loyd, Quik Trip Corporation, property owner; Juan Romero, Quik Trip Corporation, applicant) for a 5,014 sf. convenience store with a 6,190 sf. fuel sales canopy on a +/- 1.43 acre site located at 1190 West Elliot Road in the PCC-2, Planned Commercial

Center General District and the SWOD, Southwest Tempe Overlay District. The request includes the following:

PAD10006 – (Ordinance No. 2010.19) Planned Area Development Overlay to establish development standard for rear yard building setback.

**DOCUMENT NAME** 20100701dskko01 PLANNED DEVELOPMENT (0406)  
Ordinance No. 2010.19

D. Ordinances and Items for Second Hearing/Final Adoption

- \*1. [THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.](#)  
[Held the second and final public hearing and adopted \*\*ORDINANCE NO. 2010.17\*\* for Code Text Amendments for Zoning and Development Code Amendments.](#)

**COMMENTS** Request for ZONING AND DEVELOPMENT CODE AMENDMENTS (PL100051) (Development Services Department, applicant) consisting of changes with the Zoning and Development Code regarding drive-through facilities; charter schools; paved surfaces; meeting/decision notices; directional signs; and modified definitions for recreational vehicle, tobacco retailer, and trailer. The request includes the following:

ZOA10002 – (Ordinance No. 2010.17) Code Text Amendment for Sections 1-208, 3-102, 3-202, 3-302, 3-408, 4-502, 4-602, 4-903, 6-302, 7-119, and 7-121.

**DOCUMENT NAME** 20100701dsrl01 ZONING AND DEVELOPMENT CODE (0414-01, -03, -04, -06, -07) (ORDINANCE NO. 2010.17)

Dr. Eggman requested that this item be removed for separate consideration and voiced his opposition to prohibiting the parking of campers in residential driveways, Section 4-602(b), for the following reasons:

- Campers are affordable alternatives to expensive recreational vehicles or motor homes
- Campers provide ways to enjoy the outdoors
- It is legal to have campers in driveways when not in use
- There is a 10-year old ordinance that specifically permits camper parking in front driveways
- This code change is a major change to the recreational vehicle ordinance
- Consider tabling this portion of the ordinance revision and address it separately
- Consideration should be given to the effect this code change will have on citizens that have campers
- Storage of campers is not affordable

Lisa Collins, Deputy Development Services Manager – Planning, stated that the essence of the code change relating to campers is:

- Clarification of the recreational vehicle (RV) definition
- Requires a one time use permit to park in a front yard setback – there is no time limit on this permit
- Same treatment for all RV's

Mayor Hallman asked if an RV that is less than 21' is legal to park in a driveway. Ms. Collins responded yes, that would be legal.

Motion by Councilmember Woods to approve item 5D2 with the following amendment to Section E-7: Recreational vehicles and unmounted campers exceeding 21' in length, and all boats and trailers, shall not be parked in the required front yard building setback; second by Councilmember Arredondo-Savage. Motion passed 7-0.

- \*2. [Held the second and final public hearing and adopted \*\*ORDINANCE NO. 2010.27\*\* amending Chapter 13A relating to Dust Control, Chapter 19, relating to Motor Vehicles and Traffic, and Chapter 26A relating to Procurement of the Tempe City Code to clarify enforcement provisions for Tempe's dust control requirements.](#)

**COMMENTS** This ordinance amends the City Code to provide for enforcement of the state-mandated dust control requirements under the appropriate city departmental authorities.

**DOCUMENT NAME** 20100701wudcb04 ENVIRONMENTAL PROGRAMS & STANDARDS (0503-42) Ordinance No. 2010.27

E. Resolutions

1. [Approved \*\*RESOLUTION NO. 2010.93\*\* authorizing the Mayor to execute the renewal of the Community Use of School Facilities Lease Agreement between Kyrene School District No. 28 and the City of Tempe for use of school facilities for the Kid Zone Enrichment Program from July 1, 2010 to June 30, 2011. \(\*\*Contract #2007-105C\*\*\)](#)

**COMMENTS** Total cost shall not exceed \$130,000.

**DOCUMENT NAME** 20100701cskb03-Community Services Admin(0701-01) RESOLUTION NO. 2010.93

2. [\*\*THIS ITEM WAS REMOVED FROM THE AGENDA\*\*](#)  
[\*\*RESOLUTION NO. 2010.94\*\* authorizing the Mayor to sign the Intergovernmental Agreement with the U.S. Department of Agriculture, Wildlife Services Division for fiscal year 2010/11 to provide Wildlife Management Assistance for the Rio Salado Project.](#)

**COMMENTS** Intergovernmental Agreement with the U.S. Department of Agriculture, Wildlife Services Division. Total cost of the contract shall not exceed \$25,000.

**DOCUMENT NAME** 20100701cdnr01 Resolution 2010.94 RIO SALADO

3. [Approved \*\*RESOLUTION NO. 2010.53\*\* amending City Code Appendix A-Schedule of Fees and Charges \(Chapter 14, Fire Prevention and Protection\) relating to the fees for permits, inspections, and operational services required by the International Fire Code and the Tempe City Code.](#)

**COMMENTS** This Resolution establishes in increase in fire permit and inspection fees that were first adopted in July of 1991. This is the third proposed increase of these fees in 19 years.

**DOCUMENT NAME** MISCELLANEOUS FEES (0210-05) RESOLUTION NO. 2010.53



4. [Approved RESOLUTION NO. 2010.96 authorizing the renaming of the Tempe Sports Complex in honor of P. Ben Arredondo, to be known as the "P. Ben Arredondo Tempe Sports Complex."](#)

**COMMENTS** N/A  
**DOCUMENT NAME** 20100701cacc01 TEMPE SPORTS COMPLEX (0706-46)  
RESOLUTION NO. 2010.96

5. [Approved RESOLUTION NO. 2010.97 authorizing the City of Tempe South Corridor Study Ad-Hoc Advisory Committee to pursue the technical evaluation of feasible options within the Mill Avenue corridor as part of the Tempe South Corridor Study.](#)

**COMMENTS** N/A  
**DOCUMENT NAME** 20100701cdjism01 Tempe South Corridor Study Ad-hoc  
Advisory Committee (0102-54) Resolution No. 2010.97

## 6. PUBLIC APPEARANCES

- A. Scheduled - None  
B. Unscheduled

Albert Marquez thanked former Councilmember Arredondo for his years of service. Mr. Marquez added that he is affiliated with the Coalition for Immigration Reform. Mr. Marquez asked Council to consider and adopt a resolution opposing Senate Bill (SB) 1070 because of the following:

- Financial burden to Police Department
- Language barriers
- Racial profiling
- Fear and loss of trust
- Human suffering of people who have to leave Tempe

Eleanor Holguin requested that the City Manager conduct a personnel investigation on the Police Chief, Tom Ryff and Police Commander, Dave Humble.

## 7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Councilmember Woods

- Happy Birthday to Councilmember Ben Arredondo and Mari Yennie

Councilmember Mitchell

- Happy Birthday to Councilmember Ben Arredondo

Councilmember Arredondo-Savage

- Happy Birthday to Councilmember Ben Arredondo
- Thanked Mari Yennie for her assistance
- Thanked the audience for their attendance

Vice Mayor Navarro

- Happy Birthday to Councilmember Ben Arredondo and Mari Yennie
- Thanked the audience for their attendance
- Thanked school board members in attendance
- Thanked Veolia Transportation for sponsoring various events in Tempe
- Thanked his newly elected colleagues

Mayor Hallman

- Happy Birthday to Councilmember Ben Arredondo
- Invited the audience to the July 4, Tempe Town Lake celebration and thanked the Kiwanis Club for their contributions to this event

Meeting adjourned at 9:13 p.m.

I, Brigitta M. Kuiper, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of July 1, 2010, by the Tempe City Council, Tempe, Arizona.

\_\_\_\_\_  
Hugh Hallman, Mayor

ATTEST:

\_\_\_\_\_  
Brigitta M. Kuiper, City Clerk